

97-15 DITMAS AVENUE CORP. AND VARIETY
DISTRIBUTORS INC.,

v.

AMGUARD INSURANCE COMPANY,

Docket No.:
14 CV 4812 ()

EXHIBIT “A”



NEW YORK STATE
DEPARTMENT of
FINANCIAL SERVICES

Andrew M. Cuomo
Governor

Benjamin M. Lawsby
Superintendent

STATE OF NEW YORK
Supreme Court, County of KINGS

97-15 Ditmas Avenue, Corp. and Variety Distributors, Inc.

Plaintiff(s)

506286/14

against

Defendant(s)

AmGUARD Insurance Company

RE :AmGUARD Insurance Company

Attorney for Plaintiff(s) and Defendant(s) please take notice as follows:

Attorney for Plaintiff(s) is hereby advised of acknowledgement of service upon this Department Summons and Complaint in the above entitled action on July 15, 2014 at New York, New York. The \$ 40.00 fee is also acknowledged.

Original to Attorney for Plaintiff(s):

Law Office of Craig A. Blumberg
Craig A. Blumberg
15 Maiden Lane
20th Floor
New York, New York 10038

Persuant to the requirement of section 1212 of the Insurance Law, Defendant(s) is hereby notified of service as effected above. A copy of the paper is enclosed.

Duplicate to Defendant:

Mike Dulin
AmGUARD Insurance Company
16 South River Street
Wilkes-Barre, Pennsylvania 18703

Jacqueline Catalfamo
Special Deputy Superintendent

Dated Albany, New York, July 22, 2014
544558

FILED: KINGS COUNTY CLERK 07/10/2014

NYSCEF DOC. NO. 1

INDEX NO. 506286/2014

RECEIVED NYSCEF: 07/10/2014

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

97-15 DITMAS AVENUE, CORP. and VARIETY
DISTRIBUTORS, INC.,

Plaintiffs,

- against -

AMGUARD INSURANCE COMPANY,

Defendant.

Index # 506286 / 14
Date Filed: July 10, 2014
Plaintiff designates Kings
County as the place of trial.
The basis of the venue is
Plaintiff's Premises


SUMMONS

Plaintiff's premises is at
97-15 Ditmas Avenue
Brooklyn, NY

To the above named Defendant:

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the plaintiff's attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York
July 9, 2014


CRAIG A. BLUMBERG
LAW OFFICE OF CRAIG A. BLUMBERG
Attorneys for Plaintiffs
Office and Post Office Address
15 Maiden Lane, 20th Floor
New York, NY 10038-4003
(212) 346-0808

Defendant's Address
for Service of Process:
Superintendent of Financial Services
New York State Department of Financial Services
1 State Street
New York, NY 10004

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

97-15 DITMAS AVENUE CORP. and VARIETY
DISTRIBUTORS INC.,

Index #

Plaintiffs,

COMPLAINT

- against -

AMGUARD INSURANCE COMPANY,

Defendant.

Plaintiffs, 97-15 DITMAS AVENUE CORP. and VARIETY DISTRIBUTORS INC.,
by their attorney, the Law Office of Craig A. Blumberg, as and for their complaint set forth as
follows:

1. Plaintiff, 97-15 DITMAS AVENUE CORP., is a New York Corporation
authorized to do business in New York, having its principal place of business at 97-15 Ditmas
Avenue, Brooklyn, NY.

2. Plaintiff, VARIETY DISTRIBUTORS INC., is a New York Corporation
authorized to do business in New York, having its principal place of operation at 97-15 Ditmas
Avenue, Brooklyn, NY.

3. Defendant, AMGUARD INSURANCE COMPANY, was and is an insurance
company doing business in the State of New York and issuing policies in the State of New York,
located at 16 South River Street, Wilkes-Barre, Pennsylvania.

4. At all relevant times, plaintiff, 97-15 DITMAS AVENUE CORP., owned the
building located at 97-15 Ditmas Avenue, Brooklyn, NY. (the "Premises")

5. At all relevant times, plaintiff, VARIETY DISTRIBUTORS INC., was the
tenant of the Premises and operated their business therein.

6. At all relevant times, plaintiffs had an insurable interest in the Building and Business Personal Property at the Premises.

7. On or about November 25, 2013, defendant for good and valuable consideration made and issued plaintiffs a certain policy of insurance bearing Policy No. NIBP405207, wherein and whereby it insured plaintiffs for all risks of loss set forth therein with respect to the Building up to an amount of \$630,000 and with respect to Business Personal Property up to an amount of \$250,000.

8. On or about February 21, 2014, while said policy was in full force and effect, plaintiffs suffered damages at the Premises.

9. Thereafter, plaintiffs made claim to defendant for said losses to the Building and to Business Personal Property.

10. Plaintiffs have fully complied with the policy provisions.

11. Plaintiffs suffered damages to the Building in the sum of approximately \$75,000 and to Business Personal Property in the sum of at least \$205,106.

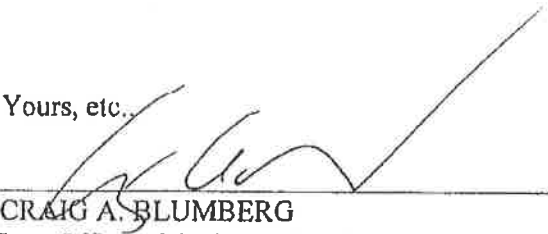
12. Defendant has refused to pay plaintiffs' damages, although duly demanded.

13. Such refusal is in breach of the contract of insurance.

WHEREFORE, plaintiffs demand judgment against defendant in at least the sum of \$75,000 for damage to the Building and of at least \$205,106 for damage to Business Personal Property with interest from February 21, 2014, together with such other, further and different relief as to the court may appear justified under the circumstances, and the costs and disbursements of this action.

Dated: New York, New York
July 9, 2014


Yours, etc.,



CRAIG A. BLUMBERG
Law Office of Craig A. Blumberg
Attorneys for Plaintiff
15 Maiden Lane, 20th Floor
New York, NY 10038-4003
(212) 346-0808

NYCRR 130-1.1 CERTIFICATION

CRAIG A. BLUMBERG, affirms under the penalties of perjury, that I have no knowledge that the substance of this submission is false, and that the contentions are not frivolous as defined in subsection (c) of section 130-1.1.

A handwritten signature in dark ink, appearing to read 'Craig', is written over a horizontal line.

CRAIG A. BLUMBERG
LAW OFFICE OF CRAIG A. BLUMBERG
Fifteen Maiden Lane, 20th Floor
New York, New York 10038
(212) 346-0808

Index No.:

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

97-15 DITMAS AVENUE CORP., and VARIETY DISTRIBUTORS, INC.,

Plaintiffs,

-against-

AMGUARD INSURANCE COMPANY,

Defendant.

SUMMONS AND COMPLAINT

LAW OFFICE OF CRAIG A. BLUMBERG
Attorneys for Plaintiff

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